

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CIVIL ACTION
	:	
v.	:	
	:	
PREMISES KNOWN AS 6 TENBY COURT,	:	
WESTHAMPTON TOWNSHIP, BURLINGTON	:	
COUNTY, STATE OF NEW JERSEY	:	No. 90-6610

O R D E R - M E M O R A N D U M

AND NOW, this 25th day of August, 1997 the motion of Ifedoo Noble Enigwe, pro se, to set aside judgment of forfeiture, Fed. R. Civ. P. 60(b)(1), (4), (6), is denied.

Movant challenges this court's jurisdiction to order forfeiture of the real estate in question, which is located in New Jersey. The forfeiture, entered by default on February 4, 1991, was occasioned by a drug prosecution that occurred in this district.¹ By Act of Congress,

[a civil] forfeiture action or proceeding may be brought in -

(A) the district court for the district in which any of the acts or omissions giving rise to the forfeiture occurred, or

(B) any other district where venue for the forfeiture action or proceeding is specifically provided for in section 1395 of this title or any other statute.

¹ Movant's cousin, Franklin Igbonwa, the owner of record of the property, pleaded guilty on November 20, 1990, before Judge Gawthrop, to two counts of possession of heroin with intent to distribute. Thereafter, he filed a motion for the return of the seized property, which Judge Gawthrop denied on September 20, 1995 and which denial was affirmed by our Circuit, No. 95-1837 (May 29, 1996). Present movant's contention that because he and his cousin Franklin are "look-alikes" the forfeiture was mistaken and he is the real owner, is dismissed as frivolous.

28 U.S.C. § 1355(b)(1). Jurisdiction here was proper inasmuch as this district was a correct venue for the criminal proceeding. 21 U.S.C. § 881(j) (venue in forfeiture proceedings proper in judicial district in which criminal prosecution was brought); United States v. One 1978 Piper Cherokee Aircraft, 91 F.3d 1204, 1207 (9th Cir. 1996).

Edmund V. Ludwig, S.J.